

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

I.P. Company, L.L.C.,

Appellant,

v.

FORT HILL SQUARE ASSOCIATES and FORT
HILL SQUARE PHASE 2 ASSOCIATES,

Appellees.

C. A. NO. 04-12156-RWZ

Bankruptcy Case Nos.
04-13855 and 04-13857-CJK
(Jointly Administered)

WITHDRAWAL OF APPEAL

Appellant in the above-captioned case, IP Company, L.L.C., hereby withdraws its above-captioned appeal commenced by the filing of a Notice of Appeal with the United States Bankruptcy Court for the District of Massachusetts on August 26, 2004, with prejudice and without costs.

Dated: January 10, 2005

Respectfully submitted,

IP COMPANY, L.L.C.

By its attorneys,

/s/ Michael S. Gardener

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

I.P. Company, L.L.C.,

Appellant,

v.

FORT HILL SQUARE ASSOCIATES and
FORT HILL SQUARE PHASE 2 ASSOCIATES,

Appellees.

C. A. NO. 04-11473-RWZ
C. A. NO. 04-12156-RWZ

Bankruptcy Case Nos.
04-13855 and 04-13857-CJK
(Jointly Administered)

CERTIFICATE OF SERVICE

I, Michael S. Gardener, do hereby certify that on the 11th day of January, 2005, I caused a copy of the within Withdrawal of Appeal to be served by facsimile to the following parties:

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Dated: January 11, 2005

/s/ Michael S. Gardener
Michael S. Gardener